

# WARREN COUNTY BOARD OF SUPERVISORS

## COMMITTEE: PUBLIC WORKS - DPW; PARKS, RECREATION & RAILROAD

DATE: JANUARY 26, 2010

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
STEC  
MERLINO  
CHAMPAGNE  
PITKIN  
LOEB  
MCCOY  
CONOVER

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR BELDEN

**OTHERS PRESENT:**

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS  
JEFFERY TENNYSON, DEPUTY SUPERINTENDENT OF ENGINEERING  
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD  
FREDERICK MONORE, CHAIRMAN OF THE BOARD  
JOAN SADY, CLERK  
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE &  
FISCAL SERVICES  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISORS GIRARD  
GOODSPEED  
MCDEVITT  
SOKOL  
STRAINER  
TAYLOR  
THOMAS  
VANNESS  
JULIE PACYNA, PURCHASING AGENT  
BUD YORK, WARREN COUNTY SHERIFF  
SHANE ROSS, CHIEF DEPUTY  
LEN FOSBROOK, PRESIDENT, ECONOMIC DEVELOPMENT CORPORATION  
STEVE WILDERMUTH, TOWN OF HADLEY RESIDENT  
DON LEHMAN, *THE POST STAR*  
THOM RANDALL, *THE ADIRONDACK JOURNAL*  
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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In the absence of Committee Chairman Belden, Committee Vice-Chairman Mr. Bentley called the meeting to order at 9:30 a.m.

Motion was made by Mr. Stec, seconded by Mr. Pitkin and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to William Lamy, Superintendent of Public Works, who distributed copies of the DPW agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Mr. Lamy announced that the first agenda item included a request to authorize the submission of an application to the FAA (Federal Aviation Administration) for \$40,000 in grant funding in connection with the Runway 1 Safety Area Wetland Site Monitoring Project, as well as to approve the ensuing grant agreement. He said that the grant funds would be used to support the costs of the continued work being performed by C&S Engineers to complete the final four years of the required five year monitoring program and he noted that the Local Share associated with the grant funding was an amount not to exceed \$1,000.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the request is on*

*file with the minutes.*

Continuing, Mr. Lamy presented a request to authorize submission of an application to the FAA for grant funding in the amount of \$30,000, with a Local Share not to exceed \$750, which would be used to support the costs associated with the design of the precision approach path indicators (PAPIs) for Runways 12 and 30, as well as to approve the ensuing grant agreement. He noted that the design services would be provided by C&S Engineers and that the PAPIs would aid pilots by providing visual approach slope guidance information, as well as to mitigate tree penetrations in the approach services near the Airport.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy stated that the next agenda item consisted of a request to authorize submission of a grant application to the FAA for grant funding in the amount of \$26,500, with a Local Share not to exceed \$1,325, for the application of surface painted holding position markings on the Airport's taxiways, as well as to approve the ensuing grant agreement. He apprised that the FAA had noted the lack of such markings in a recent inspection and had advised that the markings would be necessary by the close of 2010. Mr. Lamy said that they had questioned whether the pavement markings could be done on an in-house basis using County staff and the FAA had responded in the negative, advising that an outside contractor would have to provide the services. He added that upon reviewing the capabilities of the Public Works Department, it had been determined that they were unable to do the work on an in-house basis, regardless.

Motion was made by Mr. Pitkin, seconded by Mr. Champagne and carried unanimously to approve the request and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

The next agenda item, Mr. Lamy announced, pertained to equipment purchases scheduled to be made using FAA grant funds. He advised that as part of the 2010 Budget process they had proposed the purchase of a new fire truck and snowblower; however, he said, he would defer to the Budget Officer as to how the Local Share funding would be addressed. Mr. Lamy noted that the cost for a new fire truck was in the range of \$500,000 and would incorporate a Local Share of approximately \$12,500, while the cost of the snowblower was estimated at \$450,000 incurring a \$11,250 Local Share cost to the County.

Mr. Pitkin questioned what would be done with the current fire truck and snowblower when the new items were purchased and Mr. Lamy replied that the snowblower was currently dysfunctional and a decision could not be made as to its future until it was determined whether or not the equipment could be restored to working order. Mr. Lamy advised that he did not have any information to provide respective to the fire truck and would defer to Mr. DeGraw on this matter. He cautioned the Committee that the FAA grant funding for these items required a bid process with bids to be received no later than February 26, 2010 in order to qualify for funding; therefore, he said, a decision was required as quickly as possible.

Mr. Champagne stated his feeling that maintaining a fire truck at the Airport was an unnecessary duplication of services as the South Queensbury Fire District maintained a similar fire truck outfitted to deal with Airplane fire issues and they were able to respond more quickly than Airport personnel for after-hours emergencies. Mr. Bentley noted that there may be some FAA requirements that mandated the retention of a fire truck at the Airport and Mr. Champagne suggested that before making any decisions on the equipment purchase, he would prefer to have further

information regarding the matter. Mr. Lamy said that he would speak with Mr. DeGraw to obtain the information requested, but noted that if a decision was not made as quickly as possible, they would miss the required bid deadlines and would not qualify for the FAA grant deadlines. Joan Sady, Clerk of the Board, noted that if the Committee so desired the matter could be referred for further discussion at the February 10<sup>th</sup> Finance Committee meeting; as the Committee was in agreement with Mrs. Sady's suggestion, the matter was referred to the Finance Committee.

Resuming the agenda review, Mr. Lamy directed the Committee members to page 6 which included a request to authorize out-of-State travel for Don DeGraw, Airport Manager, to attend the 33<sup>rd</sup> Annual Airport Conference in Hershey, PA on March 2 - 4, 2010. He advised that this served as the main conference for Airport Managers and was a key point for gaining project funding opportunities on behalf of the Airport; therefore, he said, he recommended Mr. DeGraw's attendance.

Motion was made by Mr. Champagne, seconded by Mr. Pitkin and carried unanimously to approve the request for out-of-State travel as outlined above and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the Request to Authorize Out-of-State Travel form is on file with the minutes.*

Mr. Lamy directed the Committee members to agenda page 11 which reflected an email from Paul Dusek, County Attorney, regarding insurance coverage for the Power's Property. The email stated that Mr. Dusek had requested only liability coverage for the property from the County's insurance carrier based on information he had received which indicated that the buildings located on the property were worthless. It went on to request that the Public Works Committee be apprised of the matter to ensure they were aware that the reduction in coverage would mean there would be no recovery for damages to the buildings. Mr. Champagne stated his agreement that the buildings held no value and should be removed as quickly as possible.

It was the consensus of the Committee that they were in agreement with the reduction in insurance coverage for the Powers property as outlined in Mr. Dusek's email.

Jeffery Tennyson, Deputy Superintendent of Engineering, addressed the next agenda item which was included on page 12 of the agenda in the form of a request for a new contract for periodic structural engineering services, as well as for permission to extend these contract services to other municipal entities within the County. He noted that the contractor to provide the services would be determined subsequent to the January 28<sup>th</sup> bid opening.

In response to Mr. Loeb's question as to what types of engineering services would be received in connection with this contract, Mr. Tennyson advised that the contract provided for structural engineering reviews primarily for bridges and buildings.

Following a brief discussion, motion was made by Mr. Pitkin, seconded by Mr. Champagne and carried unanimously to approve the request for a new contract for periodic structural engineering services with the contractor to be determined subsequent to the January 28<sup>th</sup> bid opening, and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson apprised that the next agenda item referred to a request for a new contract for periodic surveying services with the contractor to be determined subsequent to the February 4<sup>th</sup> bid opening. He noted that they had previously contracted with David F. Barrass for the surveying services, but were no longer able to extend that contract. Mr. Tennyson said that although they had initially sought to extend these services to other municipalities within the County, they had been advised by Mr. Dusek that this was not possible because the contracted services

included provisions for prevailing wage rates.

Discussion ensued, during which the Committee questioned the differences between the contracts for engineering and surveying services and the reasons why the surveying contract could not be extended to other municipalities within the County. It was the consensus of the Committee that they would approve the request for the surveying contract as the services were necessary to the Public Works Department, but would summon Mr. Dusek to the meeting to provide a better explanation as to why the services could not be extended.

Motion was made by Mr. Champagne, seconded by Mr. McCoy and carried unanimously to approve the request for a new contract for periodic surveying services with the contractor to be determined subsequent to the February 4<sup>th</sup> bid opening, and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Continuing, Mr. Tennyson presented a request to amend the contract with Town & County Bridge and Rail, Inc., a copy of which was included on page 14 of the agenda. He explained that the Heath Road Rehabilitation Project, completed in 2009, involved bridge rail components that were outside of the terms of the existing guide railing contract held with Town & County; therefore, he said, they proposed several contract amendments which would allow payment to Town & County for rendering services outside of the contract terms, as well as to allow for similar work during the 2010 construction season. Mr. Tennyson advised that the current contract was to expire in September of 2010 and these amendments would be included in the re-bid for the guide railing contract. He then noted that funding for all of the contract costs was available in the Capital Project and that the contract amendment was necessary to authorize payment.

A brief discussion ensued, during which Mr. Tennyson indicated that the County had saved upwards of \$120,000 by doing the majority of the bridge project on an in-house basis using County staff.

Motion was made by Mr. Stec, seconded by Mr. McCoy and carried unanimously to approve the request to amend the contract with Town & County Bridge and Rail, Inc. and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Dusek entered the meeting at 10:12 a.m.

As Mr. Dusek, had joined the meeting, Mr. Tennyson apprised him of the Committee's questions regarding the reasons why the municipalities of Warren County could partake of the County's contract for periodic structural engineering services, but not for surveying services, and he asked for Mr. Dusek's legal opinion on the matter.

Mr. Dusek apprised that the survey contract caused an issue as although County Law allowed for contracts to be extended to the municipalities, a section of the same Law prohibited the extension of any contracts requiring prevailing wage rates. He explained that the reason for this was because the prevailing wage rates could differ depending upon where the services were rendered. As for the structural engineering contract, Mr. Dusek said he was concerned that the municipalities might see the County's contract as a way to cover their needs for such services; however, he added, this might not be the case as every municipality was required to institute their own purchasing policy, which might include verbiage requiring alternate methods of securing engineering services. He advised that each potential user of the County's contract for engineering should first review their municipality's purchasing policies to ensure that it was allowable for the use of the County's contract. Mr. Dusek said that in the event of a lack of clarification in the purchasing policy respective to this matter, the municipality to should clarify

their purchasing policy to state that engineering services could be acquired through the County. He added that he assumed the County's engineering contract would be accessed by other applicable municipalities for small projects, as a bid process should always be used for large projects to ensure that the best prices were being obtained for the work to be done. Mr. Dusek noted that the municipalities also had the option of setting a minimum threshold for projects whereby a full bid process was not required and they could simply seek out three telephone bids to ensure that the municipality was receiving the best rates available.

Discussion ensued.

Julie Pacyna, Purchasing Agent, entered the meeting at 10:12 a.m.

Resuming the review, Mr. Tennyson announced that the next agenda item pertained to a transfer of right-of-way (ROW) property located on Glendale Road (CR #62) in the Town of Horicon. He noted that the transfer of County-owned ROW to Angela R. VanDeMark had previously been approved by Resolution No. 430 of 2008 for a total of \$2,200, as the buyer was in negotiations to sell the ROW in connection with their personal property to a buyer interested in developing a marina on that site. Mr. Tennyson said that after the resolution was adopted, the negotiations between Ms. VanDeMark and the prospective buyers had stalled and the County property had not been transferred; however, he added, Ms. VanDeMark had since resumed her pursuit to purchase the County-owned ROW, as per her recent conversations with the County Attorney's Office. He reminded the Committee that the ROW had been determined excess and that any development on the property would not affect Glendale Road. Mr. Tennyson noted that there was a culvert located adjacent to the Glendale Road Bridge abutment which did not serve the road and allowed for water to backfill from Schroon River to the ditch line in high water events. He said that subsequent to an expression of interest by Ms. VanDeMark to purchase the portion of property holding the ditch line, there had been some discussions about including the ditch line in the ROW transfer so that the property owner would be able to modify the line to suit their needs in developing the property, which would cause no negative impact to the County Road. Mr. Tennyson advised that the current ROW agreement authorized by Resolution No. 430 of 2008 did not include the ditch line, nor did it allow for any modifications thereto.

Mr. Dusek said he had asked that the matter be reintroduced to the Committee in order to apprise of the changes in the request for ROW transfer. He said it was his understanding that although the initial plans to develop the site as a marina were no longer being considered, Ms. VanDeMark still sought to purchase the ROW property for her own use. Mr. Dusek stated that there had recently been an instance where County-owned property was sold without providing ample opportunity to another buyer interested in purchasing the property; therefore, he said, he wanted this issue to be discussed in open session to ensure that none of the Committee members had received alternate information regarding another interested party before the property transfer was finalized. Mr. Bentley advised that he was aware of the situation and would advocate proceeding with the property transfer.

Chairman Monroe apprised that he had been contacted by the party interested in purchasing the property from Ms. VanDeMark for development as a marina and there were some concerns with the ditch line, in that the APA (Adirondack Park Agency) had classified the ditch portion of the property as a wetland which would hurt his development plans. He said that if the culvert was lower, or the bottom of the ditch was higher, it would not be classified as a wetland. Mr. Tennyson stated that from the County's viewpoint, there was no reason to modify the culvert or ditch line as it was located far below the road level; he added that although the culvert did flood during high water events, there was no affect to the County Road.

Mr. Dusek said that if the Committee had no objection, he would suggest continuing the process to include the ditch

line in the ROW transfer to Ms. VanDeMark, although there might be some APA issues which had arisen due to the wetland concerns. Mr. Bentley replied that the APA's designation was what had stalled negotiations for the prospective marina development plans.

Discussion ensued.

Although it was the consensus of the Committee that the existing ROW transfer agreement should include the culvert and ditch line in question, Mr. Tennyson advised that the ROW agreement would not be altered until Ms. VanDeMark had the survey plan modified and returned to the County with the request to include the ditch line, at which point the real estate value for the property would be adjusted. Mr. Dusek advised that at the time the request was presented, a resolution would be required to amend the initial ROW transfer agreement.

Mr. Tennyson apprised that the next agenda item pertained to a request from the Town of Lake Luzerne for work on two County roads, #44, Bridge Street/Main Street, and #16, Bay Road/East River Drive. He explained that there was a difficult intersection with some alignment issues which Mr. Merlino had suggested the County consider instituting a roundabout to correct. Mr. Tennyson said they had reviewed the intersection and had determined that a roundabout would fit in the area through the use of some adjacent property owned by the Town of Lake Luzerne which would have to be transferred to the County for ROW purposes. He noted that the matter had been brought to the Committee's attention because the work would require diverting some funding previously planned for repair work on East River Drive, which was to be funded with \$23,000 in CHIPS (Consolidated Highway Improvement Program) funding. Mr. Tennyson said that the issue had also been discussed with the AGFTC (Adirondack Glens Falls Transportation Council) who had indicated that they would provide \$10,000 in funding for the roundabout project which could be used to cover the baseline survey work. He advised that they were now proceeding to obtain traffic counts and performing accident analysis work on an in-house basis as the due diligence required to ensure the roundabout would function properly and was justified to modify the road. Mr. Tennyson said they anticipated the analysis would confirm that it would correct some of the traffic issues currently faced, with design work to begin in late spring/summer of 2010 for construction in the fall of 2010 using both Town of Lake Luzerne and County DPW forces for the paving work. He noted that the total construction cost anticipated for the project was in the area of \$105,000 and they were working with Mr. Merlino to determine alternate funding sources and grant opportunities that could be accessed to fund the project. Mr. Tennyson said that the design of the roundabout project by the DPW Engineering staff would be a major undertaking as this would be one of the most demanding design projects they had completed. Mr. Lamy noted that there were problematic intersections throughout the County which they tried to correct as they were able; however, he noted in this case they would not be incorporating outside engineering services and planned to do all of the work on an in-house basis.

Discussion ensued during which Mr. Merlino presented a map of the area where the roundabout would be constructed and explained the prevailing traffic issues which would be alleviated by its construction. When the question was raised as to whether a resolution was required to proceed with the engineering review work, Mr. Dusek advised that various resolutions would be required throughout the project as a Capital Project would need to be established and contracts with the Town of Lake Luzerne would also require approval by resolution. Mr. Lamy said that he would prepare the proper resolution request forms for presentation at the next Committee meeting.

Moving on, Mr. Tennyson directed the Committee members to agenda page 17 which included a letter from Robert Blais, Mayor of the Village of Lake George, requesting that County roads be opened up to ATV and snowmobile traffic for the month of February to accommodate the influx of such vehicles during the Lake George Winter Carnival. He noted that pages 18 through 22 included the proposed amendments to the current Vehicle and Traffic

law for the Village, as well as a map of Village roads, a letter from the Town of Lake George supporting the request and a map showing the prospective ATV and snowmobile routes as approved by the Town and Village of Lake George.

While on the topic of snowmobile use, Mr. VanNess questioned if any new developments had been made concerning the efforts to connect the Warren and Washington County snowmobile trail systems. Mr. Lamy replied that they were currently working on plans to make a connection between the two trail systems and suspected that the connection might be made for the 2010-2011 winter season. Mr. Tennyson advised that discussions had been held with the snowmobile clubs to review the landowner permissions already given to join the trails, as well as to coordinate any crossings on County roads. He said the plans to join the trail systems included extending the section of the Warren County Bike Path which was currently being used to allow access into the Village of Lake George and the details for the use of the Bike Path were still being discussed, as well as other mitigation measures to ensure that the connection could be done safely. As part of the safety review, Mr. Tennyson said they were currently gathering usage figures to determine what activities this portion of the Bike Trail was being used for, whether it be for snowshoeing or cross country skiing.

When asked for a legal opinion on the matter, Mr. Dusek apprised that it was the sole discretion of the County as to whether or not snowmobile traffic would be allowed on the Warren County Bike Trail, although he said that it might be prudent to consult the Town and Village of Lake George when making decisions as to whether the Bike Trail would be used as part of the plan to connect the Warren and Washington County snowmobile trail systems. He noted that as per the current Local Law governing the use of the Bike Trail did not allow for snowmobile use and that would have to be amended if the decision was made to expand the allowable uses of the Bike Trail. As part of the evaluation, Mr. Dusek recommended that the other users of the Bike Trail be taken into consideration when deciding whether snowmobile use would be permitted. He added his opinion that any areas designated for snowmobile use should prohibit any other use during winter months as there would be conflicts between snowmobile users and cross country skiers which could prove hazardous, thereby opening the County up for increased liability exposure.

Mr. Tennyson advised that there were other trail systems within the State of New York which allowed all users to travel the same trails and they were researching the procedures and safety measures implemented in these areas to determine if the same scenarios could be used along the Bike Trail.

Discussion ensued.

Returning to the issue of opening roads to snowmobile and ATV traffic in the Village of Lake George during the month of February, Mr. Lamy advised that Committee action was not necessary to approve the request and that it such use could be authorized by the Superintendent of Public Works; however, he noted, he preferred to have Committee input on the issue before making a decision. Mr. Taylor said in his opinion it was not a good idea to allow ATV and snowmobile traffic on County roads and Mr. Lamy agreed, saying that he had some reservations about becoming involved with this situation. Mr. Pitkin stated that whether or not County approval was given, snowmobile and ATV use of County roads was occurring and Mr. Lamy replied that this was an enforcement issue which did not concern the DPW. Mr. Lamy cautioned the Committee that when considering the issue they should keep in mind that although most snowmobile users confined their travel to areas with snow and ice coverage to preserve their machinery, ATVs could travel on any surface.

Mr. Champagne stated that there had been issues with snowmobiles and ATVs traveling at excessive speeds on Lake

George in prior years and he felt that allowing the same traffic to travel on County roads might cause similar issues. He added that although he was reluctant to curtail activities and attendance at the Winter Carnival, he was also wary of allowing a situation which might end with someone being hurt. Mr. Conover said that although he felt it was proper to be prudent in considering safety matters, it was his inclination to support the Village's request to allow snowmobile and ATV use on County roads during the Winter Carnival in an effort to improve attendance, with the understanding that rules and regulations could be changed in future years to improve safety.

Subsequent to further discussion on the matter it was the consensus of the Committee that Mr. Lamy should approve the request of the Village of Lake George to allow snowmobile and ATV use on designated County roads during the month of February.

Resuming the agenda review, Mr. Lamy apprised that agenda page 22A included a letter from Robert Flacke and Fred Austin, both of the Fort William Henry Corporation, regarding an "orphan" sewer line located in the vicinity of Beach Road in the Village of Lake George. He explained that at one time there was a pump station and force main which was eventually abandoned when new equipment was introduced; however, he noted, there were some businesses still using the orphan line which was operating as a gravity line. Mr. Lamy said that no one had taken ownership of the line and they were working with the Village of Lake George and the engineering for the Beach Road Project to ensure that as the Project was completed sewer service along the road would be continued, although this would not be a County responsibility or cost. He advised that this issue was being presented for informational purposes only and required no Committee action. Mr. Lamy said that they continued to work with NYSDEC (New York State Department of Environmental Conservation) to encourage them to keep moving forward on their portion of the Project in an effort to avoid any delays in the construction which was to begin in 2011.

At Chairman Monroe's request, Mr. Lamy announced that the Gaslight Village Ad Hoc Committee had met during the prior week and had voted to support the demolition of the Opera House building and to include the associated costs in the application for grant funding. He noted that the Town of Lake George staff had ceased working on the Opera House building and he was now with coordinating with Town forces to determine the list of issues to be addressed in order to obtain a Certificate of Occupancy (CO) for the Cavalcade of Cars building. Mr. Lamy said he had met with the County's Buildings and Grounds staff who would be meeting with the Town staff to address these items cooperatively to obtain the CO; he added that \$15,000 in occupancy tax funding had been identified to cover the costs of the necessary improvements.

Mr. Lamy advised that the next agenda item pertained to the NYSCHSA (New York State County Highway Superintendent's Association) Winter Conference which he and Mr. Tennyson had recently attended. He noted that a copy of the schedule of events for the Conference was included in the agenda beginning on page 23, and a chart reflecting anticipated CHIPS funding was included on page 26. Mr. Lamy stated that although drastic reductions in CHIPS funding were initially expected, State Legislative representatives had taken action to restore it to the 2009 funding levels. He then directed the Committee members to agenda page 27 which included an email advising that "overall funding for transportation would fall \$3.46 billion to \$8.8 billion next fiscal year, primarily because of non-recurring revenue from the Federal Stimulus Program and the 2005 Bond Act. Aid to municipalities for local bridges and roads, CHIPS and Marchiselli, would remain at 2009-10 levels, (\$363 million and \$39 million) but the budget only funds the first two years of the NYSDOT's (New York State Department of Transportation) new five-year \$25.8 billion capital plan". Mr. Lamy stated that he would keep the Committee apprised of any new developments with respect to this matter.

The next agenda item referred to Advocacy Day for CHIPS funding which was being held on March 9<sup>th</sup> and 10<sup>th</sup>,



Mr. Lamy apprised. He said that the NYSCHSA and representatives from all facets of the highway construction industry would attend the Advocacy Day to meet with elected State officials in an attempt to garner more support to increase CHIPS funding to levels appropriate to the proper maintenance of the highway infrastructure.

Continuing, Mr. Lamy provided a summary of overtime used for snow and ice removal for the first two pay periods of 2010. He said he had established a five-year average for overtime expenses broken down by pay period and he noted that thus far, the month of January had caused little impact to the overtime budget, equating to 40% of the five-year historical trend figure. Mr. Lamy noted that there were roughly two months remaining in the winter season and he hoped that the weather would continue to prove conducive to minimal overtime costs.

Mr. Lamy advised that the next section of the agenda included several personnel related matters, the first of which was a letter advising of the impending retirement of Brian Humphrey, Deputy Superintendent of Highways, effective February 26<sup>th</sup>, a copy of which was included on agenda page 28. He noted that he had selected Mr. Humphrey to fill the Deputy Superintendent of Highways position in September of 2006 when he was appointed as Superintendent of Public Works. Mr. Lamy apprised that Mr. Humphrey had spent his entire career working in the construction and aggregate industry and he had been one of the driving forces behind necessary changes in programs within the DPW. He added that Mr. Humphrey's expertise in the area of highway and construction technique were surpassed only by his ability to address issues arising in connection with managing a large group of personnel. Mr. Lamy concluded that Mr. Humphrey was an asset to the County and although he accepted the letter of resignation with regret, he wished Mr. Humphrey well in his retirement.

Because he was unable to attend the current Committee meeting, Mr. Lamy said that he had met with Mr. Belden, Committee Chairman, to discuss the proposed personnel changes subsequent to Mr. Humphrey's retirement and had received his approval for them. He then distributed a packet containing several flow charts reflecting the personnel employed by the Public Works Division and outlining the supervisory stature of the Department and its various divisions, which he proceeded to review for the Committee's benefit; *a copy of this information is on file with the agenda.*

Mr. Lamy proceeded to present several personnel requests which were as follows:

1. Request to increase the salary for the Highway Manager position from \$55,303 to \$68,891;
2. Request to decrease the salary for the Deputy Superintendent of Operations from \$11,891 to \$1,000;
3. Request to decrease the salary for the Engineer 1 position from \$55,303 to \$53,000;
4. Request to fill the Highway Manager position, base salary \$68,891;
5. Request to fill the Deputy Superintendent of Operations position, base salary \$1,000;
6. Request to fill the Engineer 1 position, base salary \$53,000; and
7. Request to fill the Assistant Engineer #1 position, base salary \$43,296.

Referring to the above listed personnel requests identified as items 1,2 and 3, Mr. Lamy advised that the increase in the Highway Manager position's salary was being funded by the decrease in the Deputy Superintendent of Operations and Engineer 1 position's salaries. He then noted that the Deputy Superintendent of Operations title had previously been listed as Deputy Superintendent of Highways and was being changed to better suit the responsibilities associated with the title. Mr. Lamy explained that his request to transfer salary funding from the Deputy Superintendent of Operations to the Highway Manager position was based on issues that had arisen in the past as to whether the Deputy Superintendent stipend was subject to cost of living increases. He added that although the position would not receive a salary increase for 2010, because it was outside of the bargaining unit, he hoped that the salary increases would be returned in the future and the transfer of funding would eliminate the need to debate whether cost of living increases would be given for the position.

Mr. Lamy advised that currently, the Deputy Superintendent of Highways, *now being changed to Deputy Superintendent of Operations*, had served as the second in command position for the Public Works Department, serving in a higher level of authority than the Deputy Superintendent of Engineering position. With this slight reorganization, Mr. Lamy said that he would change the order of authority upon Mr. Humphrey's retirement to make the Deputy Superintendent of Engineering the second in command, to serve in a higher capacity over the Deputy Superintendent of Operations position. He noted that shift of authority was justified as he planned to retire in September of 2010 and was grooming Mr. Tennyson to assume the position of Superintendent of Public Works at that time.

Mr. Lamy advised that in order to justify his request for approval to fill the Engineer 1 and Assistant Engineer #1 positions, he had prepared a list of upcoming projects and associated costs to be addressed by the Engineering Division, which was included on agenda page 36. He proceeded to review for the listing for the Committee's benefit.

Returning to the Deputy Superintendent of Operations title, Mr. Conover questioned why the Deputy title and associated stipend were used, rather than combining all duties and the associated salary under one position title. In reply, Mr. Dusek explained that in the past the stipend and associated title had been implemented to differentiate personnel with the same title in the instance that one position would act as the Departmental Deputy in the absence of the Department Head and in order to pay that person commensurate with the increased responsibilities assumed. He advised that if the situation did not call for the need to differentiate between like titles to identify one position with more authority than another, the stipend was not necessary and that all duties and salary could be combined under one unique title, eliminating the need to include the stipend title.

Mr. Champagne questioned the level of education required of applicants interested in the Engineer 1 position and Mr. Lamy replied that there were no degree requirements associated with the position; however, he added, a certain combination of education and experience were necessary. He added that there was an Assistant Engineer on staff who had obtained the necessary levels of education and experience, but had to complete a Civil Service Exam in order to complete his qualification for the position and he assumed this person would be promoted to the Engineer 1 position, leaving the Assistant Engineer #1 position vacant. Mr. Stec questioned whether the same number of licensed engineers would be retained within the DPW during these changes and Mr. Lamy replied affirmatively, noting that the number would not decrease until his own retirement. Mr. Pitkin asked if an existing Public Works staff member would be promoted to the Assistant Engineer #1 position and Mr. Lamy replied that whenever positions became vacant an extensive review of current staff was performed to determine if there were qualified employees with specialized talents that could be employed at higher staffing levels. He advised that if an employee was identified during this review, that person would be promoted, otherwise they would hire a new employee for the position.

Discussion ensued during which it was determined that an executive session was necessary to discuss staffing performance.

Motion was made by Mr. Champagne, seconded by Mr. Pitkin and carried unanimously to enter into executive session to discuss the employment history of a particular person, pursuant to Section 105(f) of the Public Officers Law.

Executive session was held from 11:30 a.m. to 11:40 a.m.

Upon reconvening, motion was made by Mr. Pitkin, seconded by Mr. Stec and carried unanimously to approve all seven of the aforementioned personnel requests and refer same to the Personnel Committee. *Copies of the requests*

and Notice of Intent to Fill Vacant Position forms are on file with the minutes. Note: Subsequent to the meeting the requests to fill the Engineer 1 and Assistant Engineer #1 positions were withdrawn by the Superintendent of Public Works to be submitted at a later date. It was further determined that the action necessary at this time was as follows: Decreasing the salary of the Deputy Superintendent from \$11,891 to zero; creating the position of Deputy Superintendent of Operations, base salary of \$69,894 and deleting the position of Highway Manager, base salary of \$55,303; and request to fill the vacant position of Deputy Superintendent of Operations, base salary of \$69,894, due to creation.

Concluding the agenda review, Mr. Lamy announced that he would prefer to forego a review of the items pending from prior Committee meetings as they were already running late.

Privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of his agenda to the Committee members. *A copy of the agenda is on file with the minutes.*

At Mr. Goodspeed's request, Mr. Butler began the agenda review with Item 10, which referred to the RFP (request for proposal) for the 2011 Railroad Operator Contract. He apprised that subsequent to the last Committee meeting they had received additional inquiries respective to the Contract through the Purchasing Office and he asked Julie Pacyna, Purchasing Agent, to advise the Committee on the matter. Ms. Pacyna said that she had received calls from four different railroad operations expressing interest in the Railroad Operator Contract, some of which sought to include the option of freight transportation to the prospective Contract. She added the opinion that it would behoove the Committee to begin discussing these options and consider the release of an updated RFP in the near future, rather than waiting until the fall season as the current Operator Contract was to expire on December 31, 2010.

Mr. Champagne asked how options for freight transportation could be included in the Contract if it was not guaranteed that a connection would be made with the Saratoga Train Station and Ms. Pacyna replied that a connection with the Saratoga Station was a second requirement of the interested parties. Mr. Dusek interjected his recommendation that the attorney's for the Town of Corinth be included in discussions to ensure that they were agreeable to any information included in an updated RFP as their section of the rails would be necessary to reach the Saratoga Station. Mr. Taylor questioned whether any upgrades to Warren County's portion of the railroad would be necessary in order to allow for freight transportation and Mr. Butler replied in the negative but noted that additional greasing equipment might be suggested. Mr. Strainer said that although he had not reviewed the requirements of the RFP he would caution the Committee to include some language in the revised version which would specify requirements for the excursion train so as not to risk having the rails used solely for freight traffic.

Subsequent to further discussion on the matter it was determined that the issue would be tabled for further review at the next Committee meeting.

Returning to Agenda Item 1, Mr. Butler presented a request to amend the 2010 County Budget to increase estimated revenues and appropriations in the amount of \$60,368 to reflect the receipt of 70% payment of State snowmobile grant funds.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to approve the request to amend the budget as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Butler advised that Agenda Item 2 consisted of a request for a new contract with the Towns of Hague, Horicon, Lake Luzerne and Thurman for 2009-2010 snowmobile trail maintenance and equipment. He noted that the

contract cost was \$90,000 which would be broken down and distributed to the four Towns involved, \$27,000 being to each of the Towns of Horicon, Thurman and Lake Luzerne and \$9,000 to the Town of Hague.

Motion was made by Mr. Stec, seconded by Mr. Champagne and carried unanimously to approve the aforementioned request for a new contract and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Continuing, Mr. Butler addressed Agenda Item 3 which included a request to amend the 2010 County Budget to increase estimated revenues and appropriations in the amount of \$20,000 to reflect the receipt of funds donated by the Town of Bolton. He noted that \$10,000 was being contributed by the Town of Bolton, with the remaining \$10,000 coming from the Town of Bolton's Occupancy Tax funding.

Motion was made by Mr. McCoy, seconded by Mr. Loeb and carried unanimously to approve the request to amend the budget as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Butler announced that Agenda Item 4 referred to a request to amend the 2010 County Budget to increase estimated revenues and appropriations in the amount of \$1,200 to reflect the receipt of grant funding from the Charles R. Wood Foundation for the purpose of purchasing a watershed diorama for program presentation. He noted that they had simultaneously applied for a \$28,000 grant opportunity through the Charles R. Wood Foundation, but had only received approval for the \$1,200 grant, a check for which had actually been received in 2009.

Motion was made by Mr. Pitkin, seconded by Mr. Champagne and carried unanimously to approve the request to amend the budget in the amount of \$1,200 as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

As there had been some timing issues in applying for grant funding opportunities through the Charles R. Wood Foundation due to the need for Committee approval prior to application, Mr. Butler presented a request for a resolution which would allow him to apply for grant opportunities without prior Committee consent. When Mr. Stec questioned whether it was prudent to allow such authorization in cases where matching funds were required, Mr. Butler suggested that the resolution be approved to allow him to submit grant applications for those opportunities that do not require matching funds.

Motion was made by Mr. Pitkin, seconded by Mr. Champagne and carried unanimously to approve the request to allow the Director of Parks, Recreation and Railroad to submit applications for grant opportunities, that did not require matching funds, without prior Committee consent and the necessary resolution was authorized for the February 19<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler advised that Agenda Item 6 pertained to a request from the Kings School, located in the Town of Lake Luzerne, seeking the County's permission to cross the railroad tracks located behind the school to reach their recreation field which was on the opposite side of the tracks. He noted that representatives of the Kings School had performed extensive review of their property deed and conceded that they did not have any legal easement allowing for a crossing; he added that although similar requests had been made by the school in the past, the County had always been opposed to approving a crossing.

Mr. Dusek said he was concerned with the liability issues that might arise if permission was given to the Kings School

to allow the crossing as requested. He noted that when the railroad tracks were acquired by the County they were required to allow certain crossing rights to property owners in order to reach their property; however, he noted, these crossings were typically located in areas with proper visibility to allow the parties to safely traverse of the railroad tracks. Mr. Dusek concluded that he was opposed to allowing any more crossings than were already required. Mr. Pitkin questioned if alternate access was available to the recreation field and Mr. Butler replied affirmatively, noting that there was another access point located in close proximity to the school.

It was the consensus of the Committee that they would respectfully decline the request made by the Kings School for the County to allow a legal crossing of the railroad tracks based on the County Attorney's direction and the fact that alternate access was available to reach the school's recreation field.

Returning to the agenda review, Mr. Butler apprised that Item 7 referred to the 2009 ridership figures provided by Upper Hudson River Railroad (UHRR) and he noted that the agenda included several charts reflecting ticket sale and ridership statistics. He noted that the figures presented by UHRR reflected only the ticket sales collected under the Railroad Operator contract and did not show a true picture of all ridership activity. Mr. Butler advised that online ticket sales, and possibly those sold to passengers participating in bus trips, were not included in the figures presented; he added that he had contacted UHRR to request total ridership figures and would present the information to the Committee once they had been received. Mr. Butler said that Agenda Item 8 included the schedule for the Thomas the Train Event being held in connection with UHRR which was scheduled to be held on May 22-23 and 29 - 30, 2010.

Mr. Butler apprised that Agenda Item 9 consisted of an informational note that UHRR would not be operating food concessions at the Riverside caboose in 2010. He reminded the Committee members that they had released an RFP seeking a party interested in operating the caboose for 2009 which had received no responses and although UHRR had subsequently found a party willing to open the concession stand for 2009, the group was not interested in doing the same for 2010.

Mr. Merlino suggested that the Committee approve an RFP to sell the caboose and use any funds received to pay for minor costs associated with the railroad.

Subsequent to a brief discussion, motion was made by Mr. Pitkin, seconded by Mr. Stec and carried unanimously to authorize the development of an RFP for the sale of the caboose.

Mr. Butler advised that Agenda Items 12 - 15 consisted of informational items including a letter of appreciation received regarding grooming of cross country ski trails in the Town of Warrensburg and statistical information pertaining to the UHRR, Up Yonda Farm and the Warren County Fish Hatchery, all of which were included in the agenda packet for the Committee's perusal.

Concluding the agenda review, Mr. Butler addressed the listing of items pending from prior Committee meetings as follows:

1. With respect to the Stony Creek Platform, Mr. Dusek apprised that he had contacted the attorney for the 1,000 Acres Ranch Resort to advise of the Committee's opposition to any changes in the property easement verbiage which would incur any additional costs to the County, but said that he had yet to receive any response. He added that he had not resumed attempts to make contact because the future of the railroad remained unknown;
2. When Mr. Butler asked Mr. Dusek to provide the Committee with an update on the status of the transfer of the Kellogg Property to the County, Mr. Dusek suggested that the issue be tabled until

- the next Committee meeting as the discussion would be lengthy;
3. Mr. Butler advised that the deadline for use of the Planning grant funding to build the Stony Creek platform had been extended until December of 2010; therefore, he noted, the funding to build the platform would still be available if the Committee chose to proceed with plans to build it later in the year.

As there was no further business to come before the Public Works Committee, on motion made by Mr. Pitkin and seconded by Mr. Stec, Mr. Bentley adjourned the meeting at 12:20 p.m.

Respectfully submitted,  
Amanda Allen, Sr. Legislative Office Specialist